

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

MUHAMMAD AL-AMEEN,  
f.k.a., TERRY D. RIVERS,

Plaintiff,

v.

NURSE SPEIGNER, et al.,

Defendants.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

CASE NO. 1:06-CV-699-WHA  
[WO]

**RECOMMENDATION OF THE MAGISTRATE JUDGE**

On August 8, 2006, Muhammad Al-Ameen [“Al-Ameen”], a county inmate, filed this 42 U.S.C. § 1983 action. On December 15, 2006, this court entered an order, a copy of which the Clerk mailed to Al-Ameen. Postal authorities returned this order because Al-Ameen no longer resided at the address he provided for service. In the order of procedure entered in this case, the court specifically instructed the plaintiff to immediately inform the court of any new address. *See Order of August 14, 2006 - Court Document No. 4* at 5. As Al-Ameen had failed to comply with this directive, the court entered an order requiring “that . . . [o]n or before January 18, 2007, the plaintiff . . . show cause why this case should not be dismissed for his failure to comply with the orders of this court and his failure to adequately prosecute this action.” *Order of January 8, 2007 - Court Doc. No. 11* at 1. The

court cautioned Al-Ameen that failure to comply with such order would result in a recommendation that this case be dismissed. *Id.* at 2. The time allowed Al-Ameen for filing a response has expired and he has filed nothing in response to the aforementioned order. The court therefore concludes that this case is due to be dismissed.

### **CONCLUSION**

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be dismissed without prejudice for failure of the plaintiff to prosecute this action and his failure to comply with the orders of this court.

It is further

ORDERED that on or before February 5, 2007 the parties may file objections to the Recommendation. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which the party is objecting. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and advisements in the Magistrate Judge's Recommendation shall bar the party from a de novo determination by the District Court of issues covered in the Recommendation and shall bar the party from attacking on appeal factual findings in the Recommendation accepted or adopted by the

District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981, *en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

Done this 23<sup>rd</sup> day of January, 2007.

/s/ Charles S. Coody  
CHARLES. COODY .  
CHIEF UNITED STATES MAGISTRATE JUDGE